

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

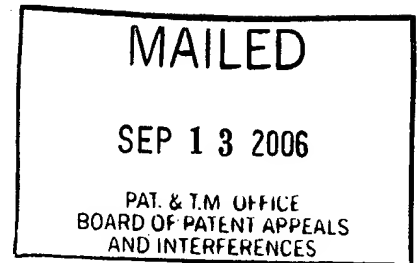
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KANNAN GOVINDARAJAN, SEKHAR SARUKKAI,
SHAMIK DAS SHARMA and SHANKAR UMAMAHESHWARAN

Appeal No. 2006-1852
Application No. 09/733,027

ON BRIEF



Before KRASS, BLANKENSHIP, and MACDONALD, Administrative Patent Judges.

MACDONALD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-6 and 13-18.
Claims 7-12 and 19-24 have been objected to as being allowable if rewritten in
independent form.

Invention

Appellants' invention relates to a method and computer system for performing client-based control over the lifetime of client-specific resource data in a distributed system architecture. Appellants' specification at page 4, lines 24-27.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A method of programmatically managing a lifetime of client-specific data objects over one or more client sessions, the method comprising:

receiving a first begin scope instruction;

tracking one or more first client-specific data objects in response to the first begin scope instruction;

receiving a first end scope instruction; and

removing the first client-specific data objects in response to the first end scope instruction.

References

The references relied on by the Examiner are as follows:

Howard et al. (Howard)	6584505	Jun. 24, 2003 (Filed Jul. 8, 1999)
Harrison et al. (Harrison)	6691113	Feb. 10, 2004 (Filed Sept. 28, 2000)
Haun et al. (Haun)	6751658	Jun. 15, 2004 (Filed Oct. 18, 1999)

Rejections At Issue

Claims 1, 2, 6, 13, 14, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Howard.

Claims 3, 5, 15, and 17 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Howard and Haun.

Claims 4 and 16 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Howard and Harrison.

Throughout our opinion, we make references to the Appellants' briefs, and to the Examiner's Answer for the respective details thereof.¹

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellants and the Examiner, for the reasons stated infra, we affirm the Examiner's rejection of claims 1 and 13 under 35 U.S.C. § 102(e); we reverse the Examiner's rejection of claims 2, 6, 14, and 18 under 35 U.S.C. § 102(e); and we reverse the Examiner's rejection of claims 3-5 and 15-17 under 35 U.S.C. § 103.

For purposes of this appeal, Appellants have argued the claims together in six groupings:

Claims 1 and 13 as Group I;

Claims 2 and 14 as Group II;

Claims 6 and 18 as Group III;

Claims 3 and 15 as Group IV;

¹ Appellants filed an appeal brief on July 19, 2005. Appellants filed a reply brief on Dec. 12, 2005. The Examiner mailed an Examiner's Answer on Oct. 20, 2005.

Claims 5 and 17 as Group V; and

Claims 4 and 16 as Group VI.

See pages 6-17 of the brief and pages 2-7 of the reply brief. We will, thereby, consider Appellants' claims as standing or falling together in the six groups noted above, and we will treat:

Claim 1 as a representative claim of Group I;

Claim 2 as a representative claim of Group II;

Claim 6 as a representative claim of Group III;

Claim 3 as a representative claim of Group IV;

Claim 5 as a representative claim of Group V; and

Claim 4 as a representative claim of Group VI.

I. Whether the Rejection of Claims 1 and 13 Under 35 U.S.C. § 102 is proper?

It is our view, after consideration of the record before us, that the disclosure of Howard does fully meet the invention as recited in claims 1 and 13. Accordingly, we affirm.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to independent claim 1, Appellants argue at page 6 of the brief, “[b]ecause *Howard* teaches tracking a list of sites visited and not the cookies placed on the client, *Howard* does not teach ‘tracking one or more first client-specific data objects,’ as required by [claim 1].” We disagree. Howard discloses that the “list of sites visited is used to remove cookies.” That the cookies to be removed in Howard are tracked indirectly by tracking a site visited is not precluded by the language of claim 1. Nothing in claim 1 requires “direct” tracking of the data objects. Claim 1 only requires some form of data object tracking.

Appellants also argue at page 7 of the brief that the tracking of Howard is not responsive to the login of Howard as argued by the Examiner. We agree the login relied on by the Examiner to teach the claimed begin scope operation, does not initiate the tracking as required by claim 1. However, Appellants go on to point out that Howard’s tracking is responsive to the last logout. See Howard at column 7, lines 11-35. Thus, Appellants admit that Howard discloses a begin scope operation (logout) which initiates the tracking as required by claim 1. Nothing in claim 1 precludes Howard’s form of tracking where the tracking is responsive to a first logout and the removing is responsive to the next logout.

Therefore, we will sustain the Examiner’s rejection under 35 U.S.C. § 102(e).

II. Whether the Rejection of Claims 2 and 14 Under 35 U.S.C. § 102(e) is proper?

It is our view, after consideration of the record before us, that the disclosure of Howard does not fully meet the invention as recited in claims 2 and 14. Accordingly, we reverse.

With respect to dependent claim 2, we find Appellants' arguments at pages 7-8 of the brief to be persuasive. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 102(e).

III. Whether the Rejection of Claims 6 and 18 Under 35 U.S.C. § 102(e) is proper?

It is our view, after consideration of the record before us, that the disclosure of Howard does not fully meet the invention as recited in claims 6 and 18. Accordingly, we reverse.

With respect to dependent claim 6, we find Appellants' arguments at pages 8-9 of the brief to be persuasive. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 102(e).

IV. Whether the Rejection of Claims 3, 5, 15, and 17 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claims 3, 5, 15, and 17. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. See also Piasecki, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. “In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. “[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by

which the findings are deemed to support the agency's conclusion." In re Lee, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to dependent claims 3, 5, 15, and 17, we find Appellants' arguments at pages 9-15 of the brief to be persuasive. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.

V. Whether the Rejection of Claims 4 and 16 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claims 4 and 16. Accordingly, we reverse.

With respect to dependent claims 4 and 16, we find Appellants' arguments at pages 15-17 of the brief to be persuasive. Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.


Conclusion

In view of the foregoing discussion, we have sustained the rejection under 35 U.S.C. § 102(e) of claims 1 and 13; we have not sustained the rejection under 35 U.S.C. § 102(e) of claims 2, 6, 14, and 18; and we have not sustained the rejection under 35 U.S.C. § 103 of claims 3-5 and 15-17.

may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART


ERROL A. KRASS
Administrative Patent Judge


HOWARD B. BLANKENSHIP
Administrative Patent Judge

Allen R. MacDonald
ALLEN R. MACDONALD
Administrative Patent Judge

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